

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

In re: DARRELL RUSSELL and
SHERILYN ROSE RUSSELL,

Case No. 7-19-10324-j

Debtors.

ORDER DENYING MOTION FOR RELIEF FROM STAY WITHOUT PREJUDICE

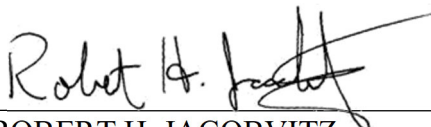
This matter is before the Court in connection with a final hearing on a motion for relief from stay set for March 4, 2020 at 1:30 pm. The Court finds:

1. On June 26, 2019, Bank of America N.A., by its counsel Weinstein & Riley, P.S., filed a motion for relief from stay (the “Stay Motion”). *See* Docket No. 34.
2. At a hearing held on February 6, 2020, the Court set a final hearing on the Stay Motion for March 4, 2020 at 1:30 pm. *See* Docket No. 61.
3. On February 11, 2020, Bank of America N.A. filed a Stipulation resolving the Stay Motion. Debtor, by counsel, approved the Stipulation. *See* Docket No. 62.
4. No order has been submitted to implement the terms of the Stipulation.
5. On February 26, 2020, Bank of Oklahoma N.A, by its counsel Weinstein & Riley, P.S., filed a Motion to Vacate the March 4, 2020 hearing on the Stay Motion in which it states it will be filing an amended motion for relief from stay in light of the conversion of the bankruptcy case from chapter 13 to chapter 7. *See* Docket No. 66.
6. On March 3, 2020, Robertson, Anschutz, Schneid & Crane LLC (Keith Labell) entered an appearance on behalf of Bank of America N.A. *See* Docket No. 67.
7. Weinstein & Riley, P.S., on behalf of “Movant,” submitted an order to the Court, for entry granting the Bank of Oklahoma N.A.’s Motion to Vacate the March 4, 2020. The Debtor has not approved the order.

8. In the morning of March 4, 2020 counsel for Debtor called chambers staff to confirm his understanding the final hearing on the Stay Motion has been vacated.

In light of the above, the Court has determined that it should deny the Stay Motion without prejudice. Bank of America N.A., if it wishes, may file another motion for relief from stay.

IT IS THEREFORE ORDERED that the Stay Motion is denied without prejudice. The final hearing on the Stay Motion set for March 4, 2020 at 1:30 p.m. is vacated.



ROBERT H. JACOBVITZ
United States Bankruptcy Judge

Date entered on docket: March 4, 2020

COPY TO: All counsel of record via CM/ECF